

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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MARY B. CHRISTY,

Plaintiff,

Case No. 03-C-1308

v.

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant.

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**OPINION AND ORDER**

Having considered the five-page motion of the Plaintiff, the court ORDERS that the "Plaintiff's Motion to Alter or Amend Judgment Pursuant to Fed. R. Civ. P. 59(e) and for an Extension of Time to File a Memorandum in Support" (filed April 26, 2006) IS DENIED. Federal Rule of Civil Procedure 59(e) allows a court to alter or amend a judgment only if the movant has newly discovered evidence or can clearly establish a manifest error of law or fact. See County of McHenry v. Insurance Company of the West, 438 F.3d 813, 819 (7th Cir. 2006). In this case the Plaintiff has failed to meet her burden. The court will not alter or amend its opinion that the Commissioner of Social Security's position was substantially justified and that the Plaintiff is not entitled to attorney fees.

Done and Ordered in Chambers at the United States Courthouse,  
Milwaukee, Wisconsin, this 27th day of April, 2006.

s/ Thomas J. Curran  
Thomas J. Curran  
United States District Judge